

REMARKS

Reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 2-6, 13-15, and 19 remain pending in this application, with Claims 2, 13 and 19 being independent. Claims 1, 7-12, and 16-18 have been cancelled without prejudice of the subject matter recited therein. Claims 2-6 and 13-15 have been amended and Claim 19 is newly-presented herein.

The drawings were objected to because Figures 8 and 9 should be designated by a legend such as --Prior Art--. In response, Applicant is submitting herewith replacement drawings sheets wherein Figures 8 and 9 have been labeled as "Prior Art." Accordingly, Applicant submits the objection to the drawings has been overcome.

Claims 1-6 and 10-15 were rejected under 35 U.S.C. § 102 as being anticipated by EP 0340678 A2 (Ernest et al.). This rejection is respectfully traversed. Nevertheless, in order to expedite prosecution, Applicant has amended the claims to clarify the distinctions between the claims and Ernest et al. Applicant, therefore, submits the claims are patentable over Ernest et al. for at least the following reasons.

The Office Action finds Ernest et al. discloses an image pickup apparatus that can change between a first mode for recording a plurality of frames and a second mode for recording one frame. The Office Action alleges Ernest et al. discloses, *inter alia*, an iris mechanism 14, a

filter unit 24, and a driving unit, wherein the driving unit drives the filter unit in different manners between the first and second modes.

Applicant submits, however, Ernest et al. fails to teach or suggest an image pickup apparatus as recited in independent Claims 2 or 19, or a control method as recited in independent Claim 13.

Initially, Applicant submits that Ernest et al. fails to teach or suggest a filter unit having a single density as recited in independent Claims 2 and 13. Instead, Ernest et al. appears to disclose shutter, which combines shutter and filter functions, to include a plurality of filter sections 58, 60, 62, 64, 66, and 68 of varying density. Ernest et al., col. 5, line 46 - col. 6, line 5. Thus, Ernest et al. cannot be understood to teach or suggest an image pickup apparatus as recited in independent Claim 2, or a control method as recited in independent Claim 13.

Applicant further submits Ernest et al. does not teach or suggest a control unit for controlling the filter unit when photographing in a first mode and the control unit controlling the filter unit when photographing in a second mode as recited in the independent claims. Ernest et al. appears to disclose using only neutral density attenuation during operation in the motion image video mode. Ernest et al., col. 3, lines 8-12. As such, Ernest et al. does not disclose or suggest a first mode of photographing wherein a control unit controls a filter unit “in the first mode so as to be positioned at a plurality of positions including a position at which [the] filter unit partially covers an aperture diameter of [the] iris mechanism” as recited in independent Claim 2, and similarly recited in independent Claims 13 and 19. Ernest et al. further appears to

disclose that when switching from video mode to still mode, the neutral density filter is removed from the optical path to the CCD and the shutter mechanism is actuated with the iris diaphragm at the correct aperture value for the preset shutter speed. Ernest et al., col. 3, lines 15-20 and col. 7, lines 45-53. Such an operation involves the registration of blades 34 and 36 to provide specific f-stop filter attenuations. Ernest et al., col. 6, line 6 - col. 7, line 32. Ernest et al., therefore, fails to disclose or suggest a second mode of photographing wherein a control unit controls a filter unit “in the second mode so as to be positioned at one of a position at which [the] filter unit covers over all of the aperture diameter of [the] iris mechanism, and a position at which [the] filter unit withdraws entirely from the aperture diameter of [the] iris mechanism.” as recited in independent Claim 2, and similarly recited in independent Claim 13. Indeed, Ernest et al.’s configuration appears to require one of the filter sections 58, 60, 62, 64, 66, and 68 to be within the aperture diameter of the iris mechanism at all times. See, e.g., Ernest et al., Fig. 4.

Thus, Claims 2, 13 and 19 are patentable over the citations of record.

Reconsideration and withdrawal of the § 102 rejection are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 2, 13 and 19. Dependent Claims 3-6, 14, and 15 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance.

Favorable reconsideration, withdrawal of the objection and rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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